

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL L. MUHELKA,

Defendant.

8:99CR20

ORDER

Defendant Michael L. Muhelka (Muhelka) appeared before the court on April 13, 2007, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 122). Muhelka was represented by Assistant Federal Public Defender David M. O'Neill and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. Through his counsel, Muhelka waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Muhelka should be held to answer for a final dispositional hearing before Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Muhelka declined to present any evidence on the issue of detention and requested that Muhelka be released on conditions pending the dispositional hearing. Since it is Muhelka's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Muhelka has failed to carry his burden and that Muhelka should be detained pending a dispositional hearing before Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30a.m. on April 27, 2007.** Defendant must be present in person.

2. Defendant Michael L. Muhelka is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 13th day of April, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge